IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Bail Appl..No. 963 of 2007()

CC.876/2001 of J.M.F.C.-III,TRIVANDRUM
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: PETITIONER/ACCUSED

SUDHA BEEVI,
PARAMPALLIYIL VEEDU,
JAWAHAR JUNCTION, KOLLAM.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: COMPLAINANT/STATE
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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

3. SUPERINTENDENT OF POLICE,
KOLLAM.

4. SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION.

5. M/S. INTEGRATED FINANCE COMPANY LTD.,
KARIMPANEL STATUE AVENUE, STATUE,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 963 OF 2007

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DATED THIS THE 21ST DAY OF FEBRUARY, 2007

O R D E R

Petitioner seeks anticipatory bail on the allegation that non-bailable warrants of arrest are pending against him in C.C.No.876/01 on the file of the J.F.C.M.-III, Thiruvananthapuram for an offence punishable under section 138 of the Negotiable Instruments Act. According to the petitioner, more than 18 similar cases have been instituted at the instance of the 5th respondent financier in respect of a mini bus of which the petitioner was the hirer and the cheques have been presented after the 5th respondent had repossessed and sold the vehicle in which case no prosecution under section 138 of the Negotiable Instruments Act will lie in the light of the decision of this court in **Sudha Beevi v. State of Kerala (2004(2) KLT 746)**. In the light of the above contention, I am inclined to direct the Magistrate to release the petitioner on bail. Accordingly, if the petitioner surrenders before the J.F.C.M.-III, Thiruvananthapuram in connection with C.C.No.876/01 within 10 days from today and files an application for regular bail, she shall be released on bail on appropriate conditions. The warrants of arrest, if any, pending against the petitioner shall not be executed until then.

V.RAMKUMAR, JUDGE

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